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1 Payton does not teach or suggest a server to serve content via a first  
2 network to a local service provider and a transmitter to transmit the content over a  
3 second network to the local service provider, "the second network providing  
4 additional bandwidth so that the transmitter can serve the content to the local  
5 service provider in an event that the content is not served via the first network  
6 within a designated time period", as recited in claim 51.

7 Payton describes only one transport system (26) to transmit information  
8 from server (24) to local server (28) (col. 4, lines 45-54), and a backchannel (30)  
9 used to transmit some lists of recommended items from the server to the respective  
10 local servers (col. 6, lines 51-55). Payton does not teach that the backchannel  
11 provides additional bandwidth to serve the information in an event that the  
12 information is not served via the transport system within a designated time period.

13 Accordingly, independent claim 51 is allowable over Payton and Applicant  
14 respectfully requests that the §102 rejection be withdrawn. Additionally,  
15 dependent claims 52-55 are allowable by virtue of their dependency upon  
16 claim 51.

### 17 18 New Claims

19 New claims 56-63 are presented for examination. Based on the above  
20 discussion regarding Payton, Applicant believes that claims 56-63 are also  
21 allowable over the reference of record. Support for claims 56-63 can be found in  
22 the Specification at p. 22, line 16 through p. 24, line 4, and in Fig. 6.

23 Claim 56 is allowable by virtue of its dependency upon claim 51.  
24 Additionally, claim 56 recites that "the first network is a high-speed, high-  
25 bandwidth network", and "the second network is a broadcast satellite network."

1 Payton does not teach or suggest two such networks. The transport system (26) is  
2 shown as a satellite network (Fig. 2, col. 5, lines 62-63). However, the  
3 backchannel (30) is low bandwidth channel (col. 4, lines 49-50; col. 6, lines  
4 51-58). Accordingly, claim 56 is allowable over Payton.

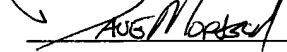
5 Claim 57 recites "...a high-speed, high-bandwidth network to communicate  
6 the content from the server to the local service provider", and "a broadcast satellite  
7 network to communicate the content from the server to the local service provider."  
8 As described above in the description of claim 56, Payton does not teach both a  
9 broadcast satellite network and a high-speed, high-bandwidth network as recited in  
10 claim 57. Accordingly, independent claim 57 and dependent claims 58-63 are  
11 allowable over Payton.

### 12 13 Conclusion

14 Pending claims 51-63 are in condition for allowance. Applicant  
15 respectfully requests reconsideration and issuance of the subject application. If  
16 any issues remain that preclude issuance of this application, the Examiner is urged  
17 to contact the undersigned attorney before issuing a subsequent Action.

18  
19 Respectfully Submitted,

20  
21 Dated: Oct. 3, 2007

22 By:   
23 David A. Morasch  
24 Reg. No. 42,905  
25 (509) 324-9256 x 210

1        Version of amended claims with markings to show changes made

2  
3        **51. (Twice Amended)** A content provider, comprising:

4            a storage system to store content;

5            a server connected to the storage system to serve the content to a local  
6 service provider which provides the content to multiple clients;

7            a network port adapted for connection to a first network, the server serving  
8 the content via the first network to the local service provider; and

9            a transmitter, responsive to the server, to transmit the content over a second  
10 network to the local service provider, the second network providing additional  
11 bandwidth so that the transmitter can serve the content to the local service provider  
12 in an event that the content is not served via the first network within a designated  
13 time period.